



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Christina L. Waggett
Assistant Commissioner
for Consumer Protection

Michael Martin, DVM
State Veterinarian

April 27, 2022

Mary Padavick, Director
Faithful Friends Animal Sanctuary
220 Grace Church Road
Salisbury, NC 28147

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of NC GENERAL STATUTES ("NCGS") § 19A-32.1(a), (b), (d), (g), (h), (i), and (j) and TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0101(1) – (5); .0103; .0201(h); .0202(d); .0203(a); .0204(a); .0206; and .0210(d) and NOTICE OF WARNING for VIOLATION of .0208.

AWS-CP-2022-10

Facility: Faithful Friends Animal Sanctuary
Registration Number: 277

Dear Ms. Padavick:

Pursuant to NCGS § 19A-40, I am issuing this notice that Faithful Friends Animal Sanctuary is hereby assessed a civil penalty of \$7,300.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to NCGS § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may contact me by telephone at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

PAYMENT

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, NC 27699-1030

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 60 days from the date of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone at 919-431-3000.

You must serve NCDA&CS by mailing a copy of the petition to:

Mr. Jonathan Lanier
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Patricia Norris, DVM, MS". The signature is written in a cursive style.

Patricia Norris, DVM, MS
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: Michael Martin, DVM, State Veterinarian
Jonathan Lanier, General Counsel, NCDA&CS
Christina L. Waggett, Assistant Commissioner, NCDA&CS
Christopher R. McLennan, Special Deputy Attorney General
Thomas Caddell – Registered Agent for Faithful Friends Animal Sanctuary

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT
OF AGRICULTURE AND CONSUMER
SERVICES, VETERINARY DIVISION
ANIMAL WELFARE SECTION

FAITHFUL FRIENDS

ANIMAL SANCTUARY

) NOTICE OF VIOLATION and
) ASSESSMENT of CIVIL PENALTY
) for VIOLATIONS of NC GENERAL
) STATUTES § 19A-32.1(a), (b), (d), (g),
) (h), (i), and (j) and TITLE 02 NC
) ADMINISTRATIVE CODE ("NCAC")
) CHAPTER 52J SECTIONS .0101(1) –
) (5); .0103; .0201(h); .0202(d); .0203(a)
) .0203(a); .0204(a); .0206; and .0210(d) and
) NOTICE of WARNING for VIOLATION
) of 02 NCAC 52J .0208
)

Acting pursuant to NCGS § 19A-40, Dr. Patricia Norris, Director, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") makes the following:

FINDINGS OF FACT

1. At all times pertinent to this matter, Faithful Friends Animal Sanctuary Animal Shelter ("the shelter") located at 220 Grace Church Road, Salisbury, NC was an animal shelter, registered pursuant to NCGS § 19A-26.
2. On March 1, 2022, AWS issued a Notice of Warning and Notice of Violation to the shelter for violations of NCGS § 19A-32.1(a), (b)(2), (c), (d), (e), (f), (g), (h), (i), and (j) and 02 NCAC 52J .0101(1) – (3); .0103; .0201(d) and (h); .0202(d); .0203(a); .0204(a) and (b); .0206; and .0210(d).
3. The March 1, 2022 Notice of Warning and Notice of Violation relayed the following information:

This Warning Letter serves as written notice indicating in which respects the shelter has violated the N.C. Animal Welfare Act ("AWA") and the rules issued pursuant thereto. The facility owner is directed to immediately comply with the AWA and its associated rules.

Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's registration pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

4. On April 8, 2022, AWS Animal Health Technician Christie Shore ("Inspector Shore") conducted a follow-up Facility Compliance Inspection ("FCI") of the shelter. The FCI report was marked as "Disapproved" due to the severity and repetitive nature of the violations. The findings of the April 8, 2022 FCI include:
- a. no records were available documenting the origin and date received for the shelter animals as required by 02 NCAC 52J .0101(1). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - b. no records were available documenting the description of the shelter animals as required by 02 NCAC 52J .0101(2). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - c. no records were available documenting the location of shelter animals when not kept at the registered facility as required by 02 NCAC 52J .0101(3). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - d. no records were available documenting the disposition of the shelter animals as required by 02 NCAC 52J .0101(4). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - e. no records were available documenting veterinary care of and administration of medication to the shelter animals as required by 02 NCAC 52J .0101(5). This violation was previously cited in the January 31, 2022 FCI;
 - f. no records were provided by the shelter when requested during the April 8, 2022 FCI as required by 02 NCAC 52J .0103. This violation was previously cited in the January 31, 2022 FCI;
 - g. 5 dogs were confined in the outdoor play yards unsupervised in violation of 02 NCAC 52J .0201 (h) which requires supervision of animals in outdoor areas unless a separate 5-foot perimeter fence is present. This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - h. the doors in the isolation area and the Chihuahua area in the back of the indoor facility with which the animals come in contact were not impervious to moisture in violation of 02 NCAC 52J .0202(d). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - i. the artificial turf in the outside play yards is in disrepair exposing bare dirt in many of the areas in violation of 02 NCAC 52J .0203(a). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - j. the wall above the stainless-steel enclosures in the small cat room and the uncaulked areas in the dog isolation floor-wall junction were not impervious to moisture in violation of 02 NCAC 52J .0204(a). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - k. a small black dog was present in the hallways of the isolation and small dog area. This area was not approved as a primary enclosure or exercise area as the surfaces were not impervious to moisture in violation of 02 NCAC 52J .0204(a). The same black dog was found in the same unapproved area during the January 31, 2022 FCI and this violation was cited on that FCI report;
 - l. 13 primary enclosures each housing a dog during the cleaning process had neither water nor water receptacles in violation of 02 NCAC 52J .0206 which requires animals to be provided with continuous access to water. This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
 - m. 14 primary enclosures housing a total of 20 cats during the cleaning process had neither water

nor water receptacle in violation of 02 NCAC 52J .0206 which requires animals to be provided with continuous access to water. This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;

- n. at the time of the April 8, 2022 FCI, only 1 employee and 1 volunteer were present to care for the 66 animals on the premises and to supervise the 5 dogs in 2 separate outdoor play areas that did not have a separate 5-foot perimeter fence. Therefore, there was not a sufficient number of employees as required by 02 NCAC 52J .0208;
- o. no records were available documenting that the shelter animals were in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
- p. no records were available documenting that the shelter animals were being held for the minimum holding period of 72 hours in violation of NCGS § 19A-32.1(a). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
- q. no records were available documenting that the shelter animals were being made available for adoption unless the requirements for early euthanasia were met in violation of NCGS § 19A-32.1(b). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
- r. no records were available documenting that the shelter was maintaining photographs of animals transferred during the minimum holding period to approved foster care providers or approved rescue organizations in violation of NCGS § 19A-32.1(d). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
- s. no records were available documenting that the owned-surrendered shelter animals were being held for the minimum holding period unless the required documents were produced by the owner and the appropriate waiver signed in violation of NCGS § 19A-32.1(g). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
- t. no records were available documenting that the shelter required that owners of surrendered animals were required to state in writing whether the dog had bitten any individual within the 10 days preceding the date of surrender in violation of NCGS § 19A-32.1(h). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;
- u. no records were available documenting that the shelter required persons to whom animals were released to provide the required identification or that the shelter maintained the required documentation in violation of NCGS § 19A-32.1(i). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation; and
- v. no records were available documenting that the shelter maintained the required records for 3 years for all animals impounded at the shelter in violation of NCGS § 19A-32.1(j). This violation was previously noted in the March 1, 2022 Notice of Warning and Notice of Violation;

5. The Notice of Warning and Notice of Violation and the FCIS referenced herein were made available to the shelter owner and can be found on the AWS website at: <http://www.ncagr.gov/vet/aws/>.

CONCLUSIONS

To the extent that the Findings of Fact contain Conclusions of Law, or that the Conclusions of Law are Findings of Fact, they should be so considered without regard to the given labels. Based on the findings of this investigation, AWS concludes that the shelter violated the following provisions:

NCGS § 19A-32.1(a) for failing to hold shelter animals for the minimum holding period of 72 hours;

NCGS § 19A-32.1(b) for failing to make shelter animals available for adoption unless the requirements for early euthanasia were met;

NCGS § 19A-32.1(d) for failing to maintain photographs of animals transferred during the minimum holding period to approved foster care providers or approved rescue organizations;

NCGS § 19A-32.1(g) for failing to hold owner-surrendered shelter animals for the minimum holding period unless the required documents were produced by the owner and the appropriate waiver signed;

NCGS § 19A-32.1(h) for failing to require owners of surrendered animals to state in writing whether the dog had bitten any individual within the 10 days preceding the date of surrender;

NCGS § 19A-32.1(i) for failing to require persons to whom animals were released to provide the required identification and to maintain records of the required documentation;

NCGS § 19A-32.1(j) for failing to maintain the required records for 3 years for all animal impounded at the shelter;

02 NCAC 52J .0101(1) for failure to maintain records documenting the origin and date received for the shelter animals;

02 NCAC 52J .0101(2) for failure to maintain documenting the description of the shelter animals;

02 NCAC 52J .0101(3) for failure to maintain records documenting the location of shelter animals when not kept at the registered facility description of the shelter animals;

02 NCAC 52J .0101(4) for failure to maintain records documenting the disposition of the shelter animals;

02 NCAC 52J .0101(5) for failure to maintain records documenting veterinary care of and administration of medication to the shelter animals;

02 NCAC 52J .0103 for failure to provide required records when requested during the April 8, 2022 FCI;

02 NCAC 52J .0201(h) for failure to provide a separate 5-foot perimeter fence surrounding outdoor enclosures in which animals are confined unsupervised;

02 NCAC 52J .0202(d) for failure to maintain surfaces in indoor facilities that are impervious to water and able to be readily sanitized;

02 NCAC 52J .0203(a) for failure to maintain surfaces in outdoor areas that are impervious to moisture;

02 NCAC 52J .0204(a) for failure to maintain surfaces in primary enclosures with which animals have contact impervious to moisture;

02 NCAC 52J .0206 for failure to provide the 33 animals in 27 primary enclosures with continuous access to fresh water;

02 NCAC 52J .0208 for failure to utilize a sufficient number of employees to maintain the prescribed level of husbandry practice set forth in the AWA rules; and

02 NCAC 52J .0210(d) for failure to maintain animals in compliance with the NC rabies law, G.S. 130A, Article 6, Part 6.

CIVIL PENALTIES

As required by NCGS § 19A-40, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.

Accordingly, Faithful Friends Animal Sanctuary is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of NCGS § 19A-32.1(a) for failing to hold shelter animals for the minimum holding period of 72 hours as noted on April 8, 2022;

\$100.00 for violation of NCGS § 19A-32.1(b) for failing to make shelter animals available for adoption unless the requirements for early euthanasia were met as noted on April 8, 2022;

\$100.00 for violation of NCGS § 19A-32.1(d) for failing to maintain photographs of animals transferred during the minimum holding period to approved foster care providers or approved rescue organizations as noted on April 8, 2022;

\$100.00 for violation of NCGS § 19A-32.1(g) for failing to hold owned-surrendered shelter animals for the minimum holding period unless the required documents were produced by the owner and the appropriate waiver signed as noted on April 8, 2022;

\$100.00 for violation of NCGS § 19A-32.1(h) for failing to require owners of surrendered animals to state in writing whether the dog had bitten any individual within the 10 days preceding the date of surrender as noted on April 8, 2022;

\$100.00 for violation of NCGS § 19A-32.1(i) for failing to require persons to whom animals were released to provide the required identification and to maintain records of the required documentation as noted on April 8, 2022;

\$100.00 for violation of NCGS § 19A-32.1(j) for failing to maintain the required records for 3 years for all animal impounded at the shelter as noted on April 8, 2022;

\$100.00 for violation of 02 NCAC 52J .0101(1) for failure to maintain records documenting the origin and date received for the shelter animals as noted on April 8, 2022;

\$100.00 for violation of 02 NCAC 52J .0101(2) for failure to maintain records documenting the description of the shelter animals as noted on April 8, 2022;

\$100.00 for violation of 02 NCAC 52J .0101(3) for failure to maintain records documenting the location of shelter animals when not kept at the registered facility description of the shelter animals as noted on April 8, 2022;

\$100.00 for violation of 02 NCAC 52J .0101(4) for failure to maintain records documenting the disposition of the shelter animals as noted on April 8, 2022;

\$100.00 for violation of 02 NCAC 52J .0101(5) for failure to maintain records documenting veterinary care of and administration of medication to the shelter animals as noted on April 8, 2022;

\$200.00 for violation of 02 NCAC 52J .0103 for failure to provide required records when requested during the April 8, 2022 FCI;

\$100.00 for violation of 02 NCAC 52J .0201(h) for failure to provide a separate 5-foot perimeter fence surrounding outdoor enclosures in which animals are confined unsupervised as noted on April 8, 2022;

\$100.00 for violation of 02 NCAC 52J .0202(d) for failure to maintain surfaces in indoor facilities that are impervious to water and able to be readily sanitized as noted on April 8, 2022;

\$100.00 for violation of 02 NCAC 52J .0203(a) for failure to maintain surfaces in outdoor areas that are impervious to moisture as noted on April 8, 2022;

\$100.00 for violation of 02 NCAC 52J .0204(a) for failure to maintain surfaces in primary enclosures with which animals have contact impervious to moisture as noted on April 8, 2022;

\$5,400.00 for 27 violations (\$200.00 per violation) of 02 NCAC 52J .0206 for failure to provide 33 animals in 27 primary enclosures with continuous access to fresh water as noted on April 8, 2022; and

\$100.00 for violation of 02 NCAC 52J .0210(d) for failure to maintain animals in compliance with the NC rabies law, G.S. 130A, Article 6 as noted on April 8, 2022.

\$7,300.00 TOTAL AMOUNT ASSESSED

NOTICE of WARNING

As to the remaining violation of 02 NCAC 52J .0208 to utilize a sufficient number of employees to maintain the prescribed level of husbandry practice set forth in the AWA rules, this Warning Letter serves

1030 Mail Service Center, Raleigh, North Carolina 27699-1030 • (919) 707-3250 • Fax (919) 733-6431

TTY: 1-800-735-2962 Voice: 1-877-735-8200

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as written notice indicating in which respects the shelter may have violated the NC Animal Welfare Act and the rules issued pursuant thereto.

The shelter is hereby notified that an animal shelter registration may not be renewed if there is not an "Approved" rating for at least one FCI in the fiscal year preceding the renewal application submission. To date, there has not been an "Approved" rating for this shelter for the 2021-2022 fiscal year. Therefore, should the shelter fail to correct these violations and fail to fully comply with the AWA and its associated rules, and thereby achieve an Approved rating on a FCI before June 30, 2022, the animal shelter's registration renewal application may be denied.

Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's license pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

(See Appendix for text of referenced General Statutes and Administrative Code)

April 27, 2022
Date

Patricia Norris, DVM, MS
Patricia Norris, DVM, MS
Director, Animal Welfare Section
North Carolina Department of
Agriculture & Consumer Services

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided. (1977, 2nd Sess., c. 1217, s. 7; 1987, c. 827, s. 64.)

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final

judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.

(a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.

(b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

- (1) The animal has been found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.
- (2) The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the animal shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.
- (3) The animal is being held as evidence in a pending criminal case.

(d) During the minimum holding period, an animal shelter may place an animal it is holding into foster care by transferring possession of the animal to an approved foster care provider, an approved rescue organization, or the person who found the animal. If an animal shelter transfers possession of an animal under this subsection, at least one photograph depicting the head and face of the animal shall be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation, and that photograph shall remain posted until the animal is disposed of as provided in subsection (f) of this section.

(g) An animal that is surrendered to an animal shelter by the animal's owner may be disposed of before the expiration of the minimum holding period in a manner authorized under subsection (f) of this section if the owner provides to the shelter (i) some proof of ownership of the animal and (ii) a signed written consent to the disposition of the animal before the expiration of the minimum holding period.

(h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

(i) An animal shelter shall require every person to whom an animal is released to present one of the following valid forms of government-issued photographic identification: (i) a drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the shelter shall document the name of the person, the type of photographic identification presented by the person, and the photographic identification number.

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.

- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture.

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the director or his authorized representative on request, during the business and cleaning hours listed on the license application. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released.

History Note: Authority G.S. 19A-24; 19A-25; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0201 GENERAL

(h) A separate five-foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

02 NCAC 52J .0202 INDOOR FACILITIES

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

02 NCAC 52J .0203 OUTDOOR FACILITIES

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures and walkways with which an animal comes in contact shall be constructed of sealed concrete or other surfaces impervious to moisture. Gravel may be used if maintained at a minimum depth of six inches and kept in a sanitary manner.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0206 WATERING

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized. Damaged receptacles shall be replaced.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984.

02 NCAC 52J .0210 VETERINARY CARE

(d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.